

REMARKS

Applicant has elected with traverse Invention II. Further, Applicant has provided a list of all claims readable thereon.

Applicant traverses the election of the invention requirement, as the restriction requirement is improper. An application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent or distinct. MPEP §803. If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions. MPEP §803.

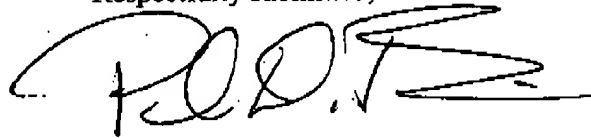
The Examiner identified the Invention I as being classified in class 128, subclass 200.26, Invention II as being classified in class 600, subclass 424, Invention III as being classified in class 604, subclass 05.03, and Invention IV as being classified in class 600, subclass 109. Class 128 is for surgery and subclass 205 is for means placed in body opening to facilitate insertion of breathing tube, class 600 is for surgery and subclass 109 is for with camera or solid state imager, and subclass 424 is for with means for determining position of a device placed within a body, and class 604 is for surgery and subclass 95.03 is for having flexible member (e.g., bellow, balloon, etc.) to propel conduit. Applicant submits that Inventions I, II, III, and IV include subject matter which would require searching in all the cited classes and subclasses.

Thus, regardless of whether all claims are examined together or separately, a review of cited class and subclasses is required. As such, the search and examination can be made without a serious burden. Accordingly, an examination of all claims on the merits is required, even if the application includes claims to distinct or independent inventions. See MPEP § 803.

In light of the foregoing remarks, this application is now in condition for an examination on the merits, and early action is respectfully requested. If any questions remain regarding this response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned. Please charge any

required fee (or credit any overpayments of fees) to the Deposit Account of the undersigned,
Account No. 500601 (Docket no. 780-A02-033).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P.D. Bianco', with a stylized flourish at the end.

Paul D. Bianco, Reg. # 43,500

Customer Number: 33771
Paul D. Bianco
FLEIT KAIN GIBBONS GUTMAN BONGINI & BIANCO
601 Brickell Key Drive, Suite 404
Miami, Florida 33131
Tel: 305-931-9620; Fax: 305-931-9627
e-mail: pbianco@focusonip.com